

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-CR-212

YU TIAN LI,

Defendant.

**ORDER ADOPTING RECOMMENDATION OF MAGISTRATE JUDGE
AND DENYING MOTION TO DISMISS**

Defendant Yu Tian Li has filed a motion to dismiss counts four and five of the Indictment charging him with possession of a handgun after having previously been convicted of a misdemeanor crime of domestic violence, all in violation of 18 U.S.C. §§ 922(g)(9) and 924(a)(2). Li argues that the statutes prohibiting possession of firearms by persons previously convicted of a domestic violence offense are unconstitutional. He bases his argument upon the U.S. Supreme Court's recent decision in *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008).

I hereby adopt the recommendation of Magistrate Judge William E. Callahan, Jr. and deny Li's motion for the reasons set forth therein.

SO ORDERED this 15th day of October, 2008.

s/ William C. Griesbach

William C. Griesbach
United States District Judge